

THE TRIAL BEGINS

In the Garrison Case—Several Eye-Witnesses Tell

ABOUT THE KILLING OF DR. BAIRD

By Dr. George I. Garrison—The Opening Statements to the Jury by the Prosecution and the Defense—A Big List of Witnesses for the State.

Yesterday morning shortly after 9 o'clock the real work of the Garrison trial began. The witnesses for the state had nearly all assembled in the witness room. Dr. Garrison's brother, I. S. Garrison, was by his side, and never left him during the day.

Prosecuting Attorney Howard made his opening statement to the jury, explained the duties of jurymen and stated what the state expected to prove. It would prove that Dr. George I. Garrison had killed Dr. George Baird premeditatedly and intentionally. He reminded the jury, and said the court would instruct them, that no words that could be uttered would justify a man in taking the life of another. Dr. Garrison was not in danger of death or of great bodily harm at the time he killed Dr. Baird, and because he killed him for the mere utterance of an opprobrious epithet, were the grounds, the reason, Mr. Howard said, on which the state would ask a verdict of murder in the first degree. The state would prove by witnesses who had not testified at the former trial, that Dr. Garrison had at different times threatened that he would kill Dr. Baird.

After Captain Dovenor had finished the following witnesses for the state were called and sworn: Dr. L. D. Wilson, Leonard Gerstatter, Minnie Marshall, French Walton, Lottie Walton, Nell Laing, Jacob Switzer, William Addlesburger, O. C. Genthner, Charles Phillips, William Baldwin, William Claytor, Ed. Briggs, Adam Burkhardt, Fannie Baker, Mrs. Knight, Louis Dolbruge, J. Armstrong, W. C. Beans, W. H. Fee, George Baird, Dr. Reed Baird, Albert Wagner, George Robinson, S. W. Snodgrass and M. S. McGrew.

Colonel Arnett followed for the defense. He explained the meaning of an indictment, and that it was nothing but a mere accusation, and should have no effect upon the mind of the jury. He went through the different degrees of homicide, and claimed that murder in the first and murder in the second degree were practically the same, the difference being the absence of the specific determination to take life. Voluntary manslaughter, the colonel said, was killing in the heat of passion, and involuntary manslaughter the unintentional killing of another. He then stated the grounds on which the defense expected an acquittal of their client. He would show there never was a quarrel in words between Dr. Garrison and Dr. Baird. He related the facts of the encounter in the city building, in the month of September, 1890, in which, Colonel Arnett said, Dr. Baird was the aggressor, and when he threatened Dr. Garrison, saying he would kill him yet. In reference to Mr. Howard's assertion that Dr. Baird had vanquished Dr. Garrison with his keen, cutting tongue, Colonel Arnett claimed that Dr. Garrison never quarreled with Dr. Baird, but on the contrary, never replied to the abusive epithets he hurled at him. Evidence would be produced, showing that Dr. Baird on different occasions had threatened to take Dr. Garrison's life, and that the latter had been warned to be on the lookout for Dr. Baird.

The persecution Dr. Garrison was subjected to continued, Col. Arnett said, up to within a very few days of the shooting. Referring to the claim made by Mr. Howard, that

DR. BAIRD DID NOT FOLLOW

after Dr. Garrison, Col. Arnett said, the defense would prove that Dr. Baird had followed after Dr. Garrison and hurled opprobrious epithets after him. They would prove that Dr. Baird was armed, in accordance with his oft repeated threats to kill Dr. Garrison.

In rebuttal of the defense, Captain Dovenor said that the state would prove, out of Dr. Garrison's own mouth that he said he had not killed Dr. Baird because of the epithets he had used, but because he feared Dr. Baird would kill him. The state would prove that Dr. Baird, instead of coming up behind Dr. Garrison, was in the act of stooping down and hitting his horse, when Dr. Garrison approached him. Captain Dovenor claimed that Dr. Garrison had shot Dr. Baird while he was walking away from him, once while he was in the act of turning away, and the second time after his back was turned.

County Physician Wilson was the first witness called. Examined by Mr. Howard he said, "I knew Dr. Baird and remember the occasion of his death. I held a post mortem examination of his body. I found two gunshot wounds, one entering below the top of the breast bone, the ball passed through the breast bone and severed the left carotid artery, passed through the left lung, and was found embedded in the left shoulder. The other entered back of right ear and came out at the left eye. Hemorrhage from the severed artery caused death. The eyeball was ruptured and the contents had run out." Captain Dovenor stood up Dr. Wilson and illustrated the relative position of Dr. Baird and Dr. Garrison at the time of the shooting. "The wound that severed the artery," the doctor said, "was the fatal wound. The wound in the head was not necessarily fatal."

Cross-examined by Colonel Arnett, he repeated that the wound in the head might have been fatal under certain conditions, but was not necessarily so in this case. He said that Dr. Baird seemed to be a vigorous man and weighed about 180 pounds, and that his vital organs seemed to be in good condition. On redirect examination he said that Dr. Baird was fat, but also muscular.

Leonard Goeckstaetter, a gardener, said he had known Dr. Baird, and he remembered the day he was killed. "I came out of what's his name's barber shop on Market, and I was walking on the left pavement and I saw Dr. Baird driving toward Main street on the right hand side. He leaned out of his buggy and spoke to a man. He drove on to the paper store, got out and went around to hitch his horse. The man he had spoken to came up and said, 'Doctor, take that back.' Dr. Baird settled his hat a little, and said 'I never take back what I say,' and then the man shot." The witness identified Dr. Garrison, and said that Dr. Baird was standing close to his horse's head, and Dr. Garrison not far off. Dr. Baird did nothing with his hands before, or after the shooting. When he was shot the first time he dropped the hitching strap and turned around. After the second shot he walked into the paper store. Garrison was at the alley when Baird spoke

to him. He was nearer Main, between Main and the alley, when he shot. As soon as he got out of the buggy the man asked him to take it back."

Cross-examined by Colonel Arnett, the witness said it was about half past ten in the morning. He said that Dr. Garrison first stopped Dr. Baird, when the latter leaned out of his buggy. It was right "on" the alley above Market. He did not hear what Dr. Baird said to Dr. Garrison when they first spoke. After they spoke he did not know whether Dr. Garrison walked back along side of Dr. Baird's buggy, or whether he came back after Dr. Baird got out. He only saw Dr. Garrison when he told Dr. Baird

TO TAKE THAT BACK.

He had talked to a man named Miller and asked him who the man was who shot Dr. Baird. Dr. Baird was in the street, and not on the curbstone or on the pavement. Dr. Baird was stooping over when Dr. Garrison spoke to him.

It being half-past twelve o'clock court adjourned until 2 p. m. When court reassembled Goeckstaetter was again on the stand. He told Mr. Howard that Dr. Baird stepped up on the pavement out of the street after the first shot. He could not say whether he was on the pavement or in the street before the second shot was fired. He told Colonel Arnett that he did recollect having had a talk with Jailer Dimmy after the occurrence. He did not tell Mr. Dimmy that he was in the barber shop on Eleventh street and came out after the shooting, and he did not tell Mr. Dimmy all he knew about the case was from hearsay.

City Engineer Hoge showed plans of Eleventh street, with the location of the hitching ring and other points marked. O. C. Genthner's store, Mr. Hoge said, was 140 feet from the hitching ring, the distance from the ring to the nearest gas tap was three feet five inches, and from the ring to the window at which the Walton children stood was thirty-nine feet in a direct line. The gutter in the pavement was about twenty feet from the hitching ring. From the ring to the alley was about thirty-six and a quarter feet. The distance from the ring to the hitching post just below the door to the barber shop was ninety feet. From the ring to the center of the barber shop door was about eighty-four feet. From the ring to the center of the door to Gaus & Dusch's saloon was about 116 feet. From the ring to the corner of the curb at the west side of back Market street was about 130 feet. From the corner of the curb at Stolze & Bayha's store was about fifty-seven feet. From the ring to the center of Prager's door was 14-3-10 feet. From the ring to Mrs. Knight's door was sixteen and a half. Other distances were measured off by Mr. Hoge from the plat he had surveyed. Six blue print copies of the plat were identified by Mr. Hoge as copies, and one was taken in charge by the stenographer.

OTHER EYE WITNESSES TESTIFY.

Miss Minnie Marshall said she was coming down Eleventh street from Main to Market, on the north side of the street, at the time of the shooting. She knew Dr. Baird and Dr. Garrison by sight. She noticed Dr. Baird when he got out of the buggy. When she first saw Garrison he was standing at the alley. Then she saw him standing close to Dr. Baird. She heard Garrison say, "Take that back." She heard Dr. Baird say nothing. When she heard the shots she saw them carry Dr. Baird.

On cross-examination she said she first saw Dr. Garrison standing at the alley. When she passed Dr. Baird he was tying his horse. Dr. Garrison was standing at the corner of the alley when she first saw him. Asked when she saw Dr. Garrison for the first time she said she saw him passing under her window a week or two weeks before the shooting. When she ran back after the shooting, she saw Dr. Garrison coming toward Market street, with a pistol in his hand. Minnie's recollection was refreshed by Col. Arnett, and she said that when she first saw Dr. Baird he was stooping over tying his horse to the hitching post. When she got to the Market house she heard the shooting. She corrected a former statement and said that when she first saw Dr. Garrison that day, he was not standing at the alley, but was walking toward Main street, between the alley and Market street. She confessed that she was a prostitute, and was at present an inmate of a Martin's Ferry house. She said in answer to another question that she had not really noticed anything particular about the whole affair, until she heard the shots.

French Walton, sixteen years old, lived on the south east corner of Main and Eleventh streets, upstairs at the time of the shooting. On that morning he was at the second story window opposite the hitching ring with his sister and Nell Laing. As he got to the window

HE HEARD A YELL.

and looking across the street he saw a man with a pistol in his hand, in the act of firing. Dr. Baird turned and the man fired again. Dr. Baird was standing a little west of the ring. His hands were hanging at his sides, and he made no motion with them. Dr. Garrison was standing on the pavement, between Dr. Baird and Market street. After the first shot Dr. Baird turned away from Dr. Garrison.

On cross-examination he said that a remark of his sister's caused him to go to the window, near which he was sitting on a lounge. When he saw Dr. Baird he was west of the hitching ring. He said, indicating the distance from the witness chair to the water cooler—about eighteen feet—that Dr. Garrison and Dr. Baird were that far apart.

Q.—What was there to call your attention to Dr. Baird? A.—Nothing. I didn't know whom or what the man was shooting at.

Q.—You didn't know what he was shooting at, did you? A.—No, sir.

Q.—There was nothing particular to call your attention to Dr. Baird? A.—Nothing particular, but still I could see them both.

Q.—When did you first find out whom those shots were fired at and who fired them? A.—In about a minute after I found out who had shot. I did not leave the room for an hour after.

Q.—Did you see the effect of the shot? A.—Some of it. I saw something drop from his face.

Q.—What was it? A.—I didn't know then, but I suppose now it was his eye. Q.—How could you tell when the first shot was fired, what position he was in? A.—I couldn't tell.

French further said that his sister was at the west side of the window, and Nell Laing at the other. He then, at the request of Mr. Howard,

POINTED OUT TO THE JURY,

on a photograph by Parsons, the position of Dr. Baird and Dr. Garrison. On the re-direct examination, he said he could see Drs. Baird and Garrison at the same time, and that he did not think that Dr. Baird moved his hands. To Colonel Arnett he said that he didn't know whether Dr. Baird moved his hands, but that he thought he would have noticed it if he did.

Colonel Arnett was asking French if he had not said a certain thing at the

beginning of the examination, and the colonel raised his voice a little.

"Your honor," said Prosecutor Howard, "I object to the tone of voice the colonel assumes toward the witness. He is only a boy and the manner of counsel is calculated to embarrass him."

Colonel Arnett—"Your honor, this is the first time I have ever been accused of being unfair to a witness, especially to a boy."

Mr. Howard—"Well, I accuse you now."

Colonel Arnett—"Well, I don't think you are in a condition to make the charge."

Mies Lottie Walton was called to the stand. She is a sister of the preceding witness and was at the same window from which he witnessed the shooting. She was sitting in the window and saw Dr. Baird drive up, and when she first saw Dr. Garrison he was a little west of Knight's step. She said: "Dr. Baird got out, went to his horse's head, his hands fell to his side and he straightened up. Dr. Garrison fired and Dr. Baird turned to go, and Dr. Garrison fired again. Dr. Baird was facing Dr. Garrison when he shot the first time. I could see them both at the same time, and if he had made any demonstration toward drawing a weapon, I could have seen it. He didn't make any demonstration. When Dr. Garrison first fired, Dr. Baird went toward Prager's store, and when Dr. Garrison fired the second time, his side was turned to Dr. Garrison and his face towards Market street."

Cross-examined by Colonel Arnett: I first saw Dr. Baird in front of Switzer's store. I don't know whether or not I told you at the last trial that I saw him before he got to Switzer's store. She further said that Dr. Baird

GOT OUT OF THE BUGGY

on the north side and got a hitching strap out of the buggy. When she saw Dr. Garrison he had his pistol raised. She said the shots were very close together. After the first shot Dr. Baird took two steps and his head fell forward. Miss Walton, in answer to further questions, repeated that she had seen Dr. Baird make no demonstrations with his hands. The distance between Dr. Baird and the defendant she indicated about the same distance that her brother, when on the stand, had mentioned. She was shown photographs of the scene of the shooting, and said Dr. Baird was on the pavement at the side of the hitching ring.

Nell Laing followed Miss Lottie Walton. He said he knew Drs. Baird and Garrison by sight. He was in the window of Walton's kitchen, and the first shot attracted his attention. He raised up, looked out and saw Dr. Baird standing near the curb, and Dr. Garrison near the doorstep of the house next to Prager's. He first saw the shot and then saw Dr. Baird; he staggered and went into Prager's.

Q.—How was Dr. Baird facing when you first saw him? A.—A little to the northeast.

If Dr. Baird moved in any other direction than toward Prager's store he would have seen it, the witness said. He could have told whether Dr. Baird moved toward Dr. Garrison, but he could not say where his hands were. He left the window when the second shot was fired, because he did not want to see any more. He went back shortly after in time to see Dr. Garrison walk toward Market street.

Cross-examined by Colonel Arnett he said he had not so good an opportunity to see as Miss Lottie Walton had, as the window casing was in his way. After the first shot Dr. Baird turned to the left. He was asked if he could see the movements of both Dr. Garrison and Dr. Baird at the same time, and answered yes.

HE DIDN'T SEE GOECKSTAETTER.

William Addlesburger, an iron and steel worker, said he knew Dr. Garrison, but had not known Dr. Baird. He was across the street from Dr. Baird and Dr. Garrison at the time of the shooting. He heard the report of a revolver, and looked across. The two men were ten or fifteen feet apart. He heard Dr. Garrison say just before the shooting, "Will you take it back?" Dr. Baird was in the act of going toward Main street, and then went into Prager's store. When the second shot was fired he saw something fly out of Dr. Baird's eye. Dr. Baird made no demonstration with his hands. The witness saw Dr. Baird's hands and saw nothing in them. He also made no motion toward unbuttoning his coat.

On the cross examination the witness said that he saw nobody standing where Leonard Goeckstaetter claimed to have been. On the redirect he said Dr. Baird, when he first looked around, was in the act of turning, as if he was going up Eleventh street; he then went into Prager's store. The witness said he did not see Goeckstaetter; he might have been there right alongside, and still he might not have noticed him. Addlesburger's testimony closed the day's proceedings, and court adjourned until 9 o'clock this morning.

ABOUT PEOPLE

Strangers in the City and Wheeling Folks Abroad.

Mr. C. S. Knight, of Fort Wayne, arrived in the city last evening to inspect the electric lights.

Mr. George F. Wyrell, of West Union, and W. L. Neal, of Parkersburg, registered at the Behler yesterday.

At the Windsor, H. W. Beverlin, of Grafton, and J. R. Donahue, of New Cumberland, were registered yesterday.

T. J. Hind, of Huntington, John Palmer and sister, of Wellsburg, and L. W. Lantz, of Burton, stopped at the Stamm yesterday.

Misses Iona and Alice White, daughters of U. S. Marshal White, have gone to Omaha, Neb., for a month's visit to relatives and friends.

A. L. Helmick, of Thomas, J. W. Thorn, of Clarksburg, B. D. Spillman, of Parkersburg, and J. J. Hamilton, of Grafton, were at the McLure yesterday.

W. H. Gillespie, one of the leading and influential Republicans of Tyler county, whose home is in Sistersville, was among his numerous Wheeling friends yesterday.

The Doctors Are Guilty.

Grave mistakes are made by physicians in treating heart disease. The rate of sudden deaths is daily increasing. Hundreds become victims of the ignorance of physicians in the treatment of this disease. One in four persons has a diseased heart. Shortness of breath, palpitation and fluttering, irregular pulse, choking sensation, asthmatic breathing, pain or tenderness in side, shoulder or arm, weak or hungry spells, are symptoms of heart disease. Dr. Miles' New Heart Cure is the only reliable remedy. Thousands testify to its wonderful cures. Books free. Sold by Logan Drug Co.

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Act on a new principle—regulating the liver, stomach and bowels through the nerves. A new discovery. Dr. Miles' Pills speedily cure biliousness, bad taste, torpid liver, piles, constipation. Unequalled for men, women and children. Smallest, mildest, surest! Fifty doses, 25c. Samples free, at The Logan Drug Co's.

ABOUT OKLAHOMA.

A West Virginia Visitor Tells About the Wonderful Growth of the New Territory.

Mr. Thomas Smith, a prominent citizen of Mannington district, Marion county, who has been visiting his son, Mr. L. L. S. Smith, one of the pioneer settlers of the new territory of Oklahoma, passed through the city yesterday en route home. Mr. Smith, in a conversation with an INTELLIGENCER reporter, said that Oklahoma, as he saw it, was a revelation to him. Just three years have passed since the territory was thrown open to settlement, and today it is an empire, so to speak. He was all over the country and was astonished at the wonderful development that has taken place.

An immense tract of land which three years ago was a prairie, is to-day dotted with cities and towns and on every hand are cultivated farms, and to the visitor who went not knowing the history of the land, it would seem that it has been settled for many years. Altogether Mr. Smith was well pleased with the country.

To illustrate the remarkable growth, Mr. Smith told of how Oklahoma City, Kingfisher, Guthrie and several other towns have sprung up by magic and become substantial business centers. Guthrie, for instance, where three years ago there was not a house, is to-day a city of twelve or fifteen thousand inhabitants, with electric lights, two newspapers, three banks, an ice plant, mills, and factories, etc. It is substantially built, many of the business houses being of stone and brick. The streets are broad and regular, being 75 feet wide with 15 foot sidewalks.

Mr. Smith was enthusiastic over the wonderful crops of wheat he saw growing in the territory. He had travelled all over the wheat belt in the west, but nowhere did he see such promising growth as in Oklahoma. Every acre seemed to be under cultivation, except in the swampy portions, and these, too, will be made to yield an abundance by artificial means.

The population that poured into the new state when it was opened three years ago, was not, as is generally supposed, made up of adventurers and the oil-scurvies of other sections. It is intelligent, moral, progressive, hospitable, industrious and American. There is scarcely a section of this broad land that is not represented.

The history of Oklahoma, Mr. Smith says, is only an illustration of the possibilities of this great republic, which has still millions upon millions of rich unoccupied territory yet to be made to blossom as has been Oklahoma. Still the new territory is purely an agricultural region, and does not possess the variety of resources that West Virginia does. In this respect West Virginia is still many paces ahead.

LOCAL BRIEVITIES.

Matters of Minor Moment in and about the City.

MATINEE at the Grand to-day.

THE GRAND this evening—"The Merry Cobbler."

WHEELING PARK will open for the season to-morrow.

OPERA HOUSE this evening—Modjeska in "As You Like It."

OFFICERS WILKIE and LUKINS last night locked up two fellows on charges of disorderly conduct.

THERE will be no services at St. Matthews church to-morrow, owing to the absence of Rev. Dr. Swope, the rector.

SPECIAL OFFICER GONTZ, of the Terminal station, last evening arrested William Henderson, charged with an indecent act at that depot.

THE Wheeling Corrugating Company is placing a new 60-horse-power Skinner engine in the plant, purchased from Mr. A. D. Howe, the company's agent here.

ALBERTA, an eighteen-year-old daughter of Frank Green, died yesterday at her parents' home on Eleventh street, of whooping cough. The funeral will occur on Sunday.

THERE was only one case in the police court yesterday, that of H. J. Briggs, accused of acting as an auctioneer without the required license. It was postponed until this morning.

In the circuit court, Part I, yesterday, Judge Campbell on the bench, the hearing of the quo warranto proceedings concerning the charter of the village of Fulton was set for May 18.

THE ladies of the Zane street M. E. church gave a social, and dinner and supper, at the G. A. R. hall yesterday and last evening, which was largely attended and in every way a decided success.

At the May Day entertainment of the pupils of St. Joseph's academy, Thursday evening, good music was rendered by the Twilight band, composed of Charles Houston, George Weitzel and Will Supler.

A LARGE pane of glass fell from a wagon loaded with sash, belonging to Wilson & Chapman, yesterday afternoon at the corner of Market and Fourteenth streets, and not a piece of glass as large as a man's hand was left.

WHEELING Commander, K. T., had a regular convocation last night, at which one candidate was initiated. Several knights from out of town were present. After the meeting an elegant repast was served at the Hotel Van Kenren.

EX-POLICE LIEUTENANT FROMME has bought out the saloon formerly owned by ex-Policeman John Cruise, at No. 2123 Main street. Henry is tired of "laying for" evil doers, and intends to take a rest. He says his old friends will always find a warm welcome at his house.

MARRIED.

EVANS-WILSON—On Thursday, April 28, 1892, at 3:20 o'clock p. m., at the Second Presbyterian Church, by Rev. W. H. Cook, DAVID G. EVANS and EDNA M. WILSON, all of this city.

DIED.

SMITH—On Friday, April 29, 1892, at 1:50 a. m., JOHN P. SMITH, in his 61st year. Funeral from his late residence, 125 Virginia street, Sunday afternoon at 2 o'clock. Interment private.

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SPECIAL SALE,

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